

**COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION**

**FISCAL NOTE**

L.R. No.: 1180-04  
Bill No.: SB 430  
Subject: Children and Minors; Courts, Juvenile; Family Services Division; Guardians;  
Licenses-Miscellaneous; Social Services Department  
Type: Original  
Date: March 4, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
General Revenue	(\$730,782 to Unknown)	(\$903,682 to Unknown)	(\$903,682 to Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$730,782 to Unknown)</b>	<b>(\$903,682 to Unknown)</b>	<b>(\$903,682 to Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
Criminal Records System Fund	(\$108,892)	(\$133,938)	(\$137,286)
<b>Total Estimated Net Effect on Other State Funds</b>	<b>(\$108,892)</b>	<b>(\$133,938)</b>	<b>(\$137,286)</b>

\*Revenues and costs of approximately \$460,000 annually would net to \$0

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Federal*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Federal Funds of approximately \$350,000 to unknown annually would net to \$0.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Office of State Courts Administrator** assume this proposal would not fiscally impact their agency.

Officials from the **Department of Social Services - Division of Family Services (DFS)** state in the first year, the DFS would run fingerprint checks on all 16,036 existing licensed relative, adoptive, and foster homes. DFS estimates 2 persons per home would need fingerprinted at a cost of \$24 (\$24 for federal background (FBI) check) per person. DFS estimates in FY 04, fingerprinting would cost \$769,728 (16,036 x 2 x \$24) for existing homes. After FY 04, DFS estimates 3,124 newly licensed homes and 6,456 renewals, both with 2 persons per home. Therefore, for FY 05 and after, DFS estimates the cost to be \$459,840 [(3,124 + 6,456) x 2 x \$24] . The Missouri State Highway Patrol (MHP) would also perform a Missouri background check, but MHP waives those fees to other state agencies

DFS states the fiscal impact of doing exparte and full order of protection searches is unknown.

DFS states the fiscal impact having a team meeting “prior to any action being taken on a child in its custody” is unknown. DFS would need to know exactly which actions require a team meeting

to determine the fiscal impact. If all actions require a team meeting, DFS estimates the impact

ASSUMPTION (continued)

would be substantial.

Officials from the **Department of Social Services - Office of Early Childhood (OEC)** state that there are 18,000 childcare providers processed each year that would be required to have Missouri background checks. The processing fee for the background checks is \$14 per provider. The OEC estimates costs to be \$252,000 per year.

**Oversight** assumes the Department of Public Safety - Missouri State Highway Patrol would waive the \$14 fee since the OEC is another state agency and **Oversight** assumes the cost to the OEC would be \$0.

Officials from the **Secretary of State's Office (SOS)** state this proposal modifies the law relating to children's protective services. This will result in the Division of Family Services promulgating rules which would be published in the *Missouri Register* and the *Code of State Regulations*. Based on experience with other divisions, the rules, regulations and forms issued by the Division of Family Services could require as many as twelve pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the Code because cost statements, fiscal notes and the like are not repeated in Code. These costs are estimated. The estimated cost of a page in the *Missouri Register* is \$23. The estimated cost of a page in the Code is \$27. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded or withdrawn. SOS estimates the cost for FY 04 to be \$738 [(12 pages x \$27) + (18 pages x \$23)].

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Health and Senior Services (DOH)** state that this proposal extends the Family Care Safety Registry to January 1, 2007. The DOH states there will no additional costs other than the current level of funding to operate the Registry. Therefore, fiscal impact reflects current program costs and no additional or increased funding for the program

Officials from the **Department of Public Safety - Criminal Records and Identification**

**Division (CRI)** state that the DFS reported they would have 38,320 applicants registering in the first year. In subsequent years, there would be 19,160 that would be fingerprinted. Based on this

ASSUMPTION (continued)

volume, the CRI estimates 2 additional FTE would be required. The CRI would have these individuals work 2<sup>nd</sup> and 3<sup>rd</sup> shift so no new equipment would be needed.

The CRI would collect the \$24 fee from the Federal background checks and pass this on to the FBI. The CRI waives the state fee (\$14) to other state agency.

The CRI estimates the Information System Division (ISD) of the Department of Public Safety would incur additional state data center costs of \$2,426 in FY 04 and \$1,213 in subsequent years.

**Oversight** notes that the above costs only include DFS fingerprinting. The Department of Social Services - Office of Early Childhood (OEC) background checks were not included in the above calculations. The OEC estimated that 18,000 state only background checks would be needed per year. The CRI stated it would wave the state only portion of the fee to other state agencies. However, the CRI would need additional FTE and would incur additional state data center costs because of OEC background checks. **Oversight** assumes the CRI would need approximately 2 additional Fingerprint technicians bringing the total to 4. In addition, **Oversight** assumes state center costs would be \$4,852.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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**GENERAL REVENUE**

Costs - Department of Health and Senior Services

Program costs	(\$333,369)	(\$666,738)	(\$666,738)
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Costs - Department of Social Services - Division of Family Services

Fingerprinting costs	(\$392,561)	(\$234,518)	(\$234,518)
Exparte and full order costs	(Unknown)	(Unknown)	(Unknown)
Team meeting costs	(Unknown)	(Unknown)	(Unknown)

<u>Total Costs - Department of Social Services - Division of Family Services</u>	<u>(\$392,561 to Unknown)</u>	<u>(\$234,518 to Unknown)</u>	<u>(\$234,518 to Unknown)</u>
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<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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Costs - Department of Public Safety - Missouri State Highway Patrol

Expense and equipment	<u>(\$4,852)</u>	<u>(\$2,426)</u>	<u>(\$2,426)</u>
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<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$730,782 to Unknown)</u></b>	<b><u>(\$903,682 to Unknown)</u></b>	<b><u>(\$903,682 to Unknown)</u></b>
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**CRIMINAL RECORDS SYSTEM FUND**

Revenue – Department of Public Safety - Missouri State Highway Patrol

Fingerprint fees	\$919,680	\$459,840	\$459,840
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Costs – Department of Public Safety - Missouri State Highway Patrol

Pass through to FBI	<u>(\$919,680)</u>	<u>(\$459,840)</u>	<u>(\$459,840)</u>
Personal Services (4 FTE)	<u>(\$72,406)</u>	<u>(\$89,060)</u>	<u>(\$91,286)</u>
Fringe benefits	<u>(\$36,486)</u>	<u>(\$44,878)</u>	<u>(\$46,000)</u>

<u>Total Costs - Department of Public Safety - Missouri State Highway Patrol</u>	<u>(\$1,028,572)</u>	<u>(\$593,778)</u>	<u>(\$597,126)</u>
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**ESTIMATED NET EFFECT ON CRIMINAL RECORDS SYSTEM FUND**

<b><u>(\$108,892)</u></b>	<b><u>(\$133,938)</u></b>	<b><u>(\$137,286)</u></b>
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<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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**FEDERAL**

Income - Department of Social Services -  
 Division of Family Services

Federal Assistance	\$377,167 to Unknown	\$225,322 to Unknown	\$225,322 to Unknown
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Costs - Department of Social Services -  
 Division of Family Services

Fingerprinting costs	(\$377,167)	(\$225,322)	(\$225,322)
Exparte and full order costs	(Unknown)	(Unknown)	(Unknown)
Team meeting costs	(Unknown)	(Unknown)	(Unknown)

<u>Total Costs - Department of Social    Services - Division of Family Services</u>	<u>(\$377,167 to    Unknown)</u>	<u>(\$225,322 to    Unknown)</u>	<u>(\$225,322 to    Unknown)</u>
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<b>ESTIMATED NET EFFECT ON    FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

## DESCRIPTION

This proposal modifies the law relating to children's protective services. Applicants to be foster parents must submit fingerprints in addition to the required criminal background check. The Division of Family Services will have the authority to conduct a search for ex parte or full orders of protection using the automated court information system.

### Description (continued)

The Division shall provide standards and training for the licensing of prospective foster parents. The Division shall provide performance-based criteria for the evaluation of licensed foster parents.

The Division is prohibited from discriminating against a relative of a child based on the age of the relative or the belief that the relative was not a good parent. The Division must adhere to the Indian Child Welfare Act (25 U.S.C. 1915) when placing a Native American child in protective custody.

The Division must notify the custodial or biological parent of a child regarding the placement of the child in foster care, except in instances of imminent harm. The Division is prohibited from removing a child from school without a court order specifying that the child is to be removed from school.

Prior to any action taken on behalf of the child, the Department must arrange a team meeting with either the custodial or biological parents of the child, the legal representative, or the parent's designee. The meeting may include a court-appointed special advocate, juvenile officer, or a division of family services caseworker. At the conclusion of the meeting, all parties must sign a form provided by the Department that states that they are aware of the team's decision. Any dissenting views will be noted on the form and included in the child's case records.

The case records of a child in protective custody will be available to the custodial or biological parent. Upon the death of a child in protective custody, the case records will be available to the public.

The Family Care Safety Registry was extended from January 1, 2004 to January 1, 2009. Authorization for the registry expires January 1, 2004.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Social Services  
Department of Health and Senior Services  
Office of State Courts Administrator  
Secretary of State  
Department of Public Safety -  
Missouri State Highway Patrol



MICKEY WILSON, CPA  
DIRECTOR  
MARCH 4, 2003